



Federal Communications Commission
Washington, D.C. 20554

December 8, 2009

DA 09-2564

Glen E. Zook
410 Lawndale Drive
Richardson, TX 75080

Re: Petition for proposed changes in 47 CFR Part 97 Section 97.119, filed April 7, 2009

Dear Mr. Zook:

This is in response to the above-referenced petition for rulemaking that you filed on April 7, 2009 (Petition). You request that Section 97.119(a) of the Commission's Rules¹ be amended to incorporate certain portions of the Commission's former station identification rule.² For the reasons set forth below, we dismiss the Petition.

Section 97.119(a) currently provides that an amateur station "must transmit its assigned call sign on its transmitting channel at the end of each communication, and at least every 10 minutes during a communication, for the purpose of clearly making the source of the transmissions from the station known to those receiving the transmissions."³ In your Petition, you state that "the provisions ... in Section 97.119(a) are open to individual interpretation which may, or may not, meet the expectations of the Commission," and that certain portions "are, on a very routine basis, ignored by a significant number of amateur radio operators"⁴ You propose to address this by adding to Section 97.119(a) certain portions of the Commission's former station identification rule.⁵ Specifically, you propose to require that an amateur station transmit its call sign during the first transmission of any communication or series of transmissions, and to allow an amateur station to not transmit its call sign at the end of a communication when the communication or series of transmissions lasts less than three minutes.⁶

In 2006, you filed a petition for rulemaking⁷ requesting that the Commission amend Section 97.119(a) to incorporate certain portions of the Commission's former station identification rule, including requiring that the call sign be transmitted at the beginning of each transmission or series of

¹ 47 C.F.R. § 97.119(a).

² See Petition at 3.

³ See 47 C.F.R. § 97.119(a).

⁴ See Petition at 1.

⁵ See former Section 12.82 of the Commission's Rules, 47 C.F.R. § 12.82 (1956).

⁶ See Petition at 3.

⁷ Letter dated May 10, 2006 from Glen E. Zook to Marlene H. Dortch, Secretary, Federal Communications Commission, RM-11347 (filed May 19, 2006).

transmissions.⁸ In response, the Commission received approximately one hundred comments, generally opposing the petition.⁹ In 2007, the Wireless Telecommunications Bureau's Mobility Division dismissed this petition, concluding that the requested rule changes were not necessary and were not supported by the amateur radio community, and noting that the commenters believed that the current station identification rule properly balances the burden of requiring the station to transmit its call sign with the convenience of those receiving the transmissions to determine the identity of the station making the transmissions.¹⁰

Your present Petition does not assert or demonstrate that circumstances have changed since 2007 with respect to the adequacy of the current station identification rule. Consequently, we conclude that it does not present grounds for the Commission to propose amending Section 97.119(a). Your current proposal, like your previous petition, does not demonstrate that revising the station identification requirement as requested would address the concern that many amateur radio operators do not identify their station timely or at all, or that the problem of station operators not complying with the present rule cannot be addressed by enforcement of the present rule rather than a rule change.¹¹ We conclude that the Petition presents no evidence meriting a rule change. Accordingly, we dismiss the Petition.

Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and (j) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), (j), 303(r), and Section 1.401(e) of the Commission's Rules, 47 C.F.R. § 1.401(e), that the petition for rulemaking filed by Glen E. Zook on April 7, 2009, IS DISMISSED.

This action is taken under delegated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131 and 0.331.

FEDERAL COMMUNICATIONS COMMISSION

Scot Stone
Deputy Chief, Mobility Division
Wireless Telecommunications Bureau

⁸ See Changes in Part 97 with Regard to Amateur Radio Service Rules, *Order*, 22 FCC Rcd 12730, 12731 ¶ 2 (WTB MD 2007).

⁹ *Id.* at 12731 ¶ 3.

¹⁰ *Id.* at 12732-33 ¶¶ 5-6.

¹¹ See *id.* at 12732 ¶ 6.

Bcc: MD file
S Stone
W Cross